Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 2-4. These sheets, which include Figures 2-4, replace the original sheets including Figures 2-4. The amendments clarify Figures 2-4 and do not add new matter.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

The office action of September 19, 2005, has been carefully reviewed and these remarks are responsive thereto. The Applicant's undersigned representative is new counsel of record pursuant to the new Power of Attorney filed on December 2, 2005. Reconsideration and allowance of the instant application are respectfully requested. Claims 25, 33 and 34 have been cancelled. Claims 15, 20, 23, 24 and 29 have been amended. Claims 35-40 have been added. No new matter has been added. Claims 15-24, 26-32 and 35-40 remain pending.

Drawings and Specification

Applicants have amended Figures 2-4, the paragraphs from page 2, line 24 to page 3, line 29, and the paragraph starting at page 8, line 28 of the specification to further clarify the Figures. Specifically, in Figure 2, Applicant has specifically labeled rectangular box 50 and the input arrow to spreading element 48 with PN scrambling code Cscramb. In Figure 3, Applicant has specifically labeled rectangular box 75 as Power Estimator Unit, rectangular box 80 as RF Section and rectangular box 65 as Baseband Processing Unit. In Figure 4, Applicant has included reference numbers for the frames in accordance with Applicant's original written description. In addition, Applicant has amended the paragraph starting at page 8, line 28 to include the reference element 75 in Applicant's original Figure 3. These amendments merely clarify the Figures and specification and do not add new matter. With these amendments, Applicant respectfully request withdrawal of the objection to drawings and the specification.

Applicants have further amended the paragraph starting at page 3, line 26, the paragraph starting at page 8, line 13, and the paragraph starting at page 10, line 17, and the paragraph starting at page 11, line 8 to correct typographical errors. No new matter has been added.

Claim Objections

Claim 25 stands rejected because of informalities in the claim language. Claims 33 and 34 are objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. These objections are rendered moot in view of the cancellations of claims 25, 33 and 34.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 15-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Teder *et al.* (U.S. Patent No. 5,544,156, hereinafter "Teder"). This rejection is respectfully traversed for the following reasons.

Amended independent claims 15, 23 and 24 relate to, *inter alia*, calculating the received power of a decoded control unit or a decoded portion of the control unit and a received power of a decoded data unit or a decoded portion of the data unit to make an estimate of the spreading factor used to transmit the data unit. Nowhere does Teder teach or suggest such a feature. The Office Action asserts, at ¶ 6, that Teder discloses control information being decoded and containing power control commands for the corresponding data frame. Col. 4, ll. 15-19. The Office Action further states that the power information allows the spreading factor to be known since the transmit power will yield the data rate value and the spread factor. ¶ 6. Applicant respectfully disagrees as there is no evidence in Teder to support such an assertion. At most, Teder discloses that the PCCH can also carry information about many other parameters of the corresponding frame in the PDCH, for example, power control commands. *Id.* Significantly, Teder does not teach or suggest what the power control commands are or include. Even assuming, without admitting, Teder discloses that the power control commands include a transmit power, Teder still fails to teach or suggest calculating the *received* power of the decoded control unit or decoded portion of the control unit and the decoded data unit or decoded portion of the data unit, as is recited in claims 15, 23 and 24. In fact, the received power could not be included or indicated in any potential power indicator that would be carried by the PCCH in Teder as the received power is unknown when the data is transmitted. As such, claims 15, 23 and 24 are allowable for at least these reasons.

Additionally, claims 15, 23 and 24 further relate to, *inter alia*, making an estimate of a spreading factor used to transmit the data unit. Significantly, the Office Action concedes that the Teder spreading factor is a part of the transmitted control information and is recovered from the control information. ¶ 6. As such, Teder teaches specifically away from making an estimate of the spreading factor used to transmit the data unit since the spreading factor is contained in the control information. The Office Action offers no reason why one of ordinary skill would estimate a spread factor using the recited calculated receive powers, when Teder expressly

identifies the spreading factor in the control information itself. The general aim of Teder is to use information transmitted on the control channel (PCCH) to allow the data transmitted on the data channel (PDCH) to be coherently demodulated. Abstract. Thus, in Teder, the spreading factor must be obtained from the PCCH prior to decoding the PDCH frame. Col. 4, ll. 29-33. In contrast, claims 15, 23 and 24 relate to *estimating* the spreading factor used to transmit the data unit so that the whole data unit does not need to be decoded (as is the case in Teder). Claims 15, 23 and 24 are thus allowable for at least these additional reasons.

Claims 16-23 and 26-32 are dependent on their respective base claims and are thus allowable for at least the same reasons as those base claims and further in view of the novel and non-obvious feature recited therein.

Claims 25, 33 and 34 have been cancelled and thus renders this rejection moot.

New Claims

New claims 35-40 have been added. Claims 35-38 are dependent on claim 15 and are thus allowable for at least the same reasons as claim 15. In addition, claim 36 recites, *inter alia*, "wherein the information for decoding the data unit includes information indicating a data rate of the data unit, and the initial portion of the data unit is decoded at the assumed spreading factor before the information indicating the data rate of the data unit is decoded." Teder lacks any teaching or suggestion of such a feature. In fact, Teder teaches the opposite of the recited feature. Teder discloses, at Col. 4, lines 29-33, that the PCCH information is to be decoded before the PDCH can be demodulated. As such, in contrast to the recited feature of claim 36, a frame buffer 18 in front of a PDCH RAKE demodulator is used to delay input of the data signal while the corresponding PCCH frame is being decoded. Col. 4, ll. 31-33. Claim 36 is thus allowable for this additional reason.

New independent claim 40 recites, inter alia, "means for calculating the received power of the decoded initial portion of the control unit and the decoded initial portion of the data unit; and means for estimating the spreading factor of the transmitted data unit using the calculated received power." As discussed with respect to claim 15, 23 and 24, Teder does not teach or disclose these features. As such, claim 40 is allowable for at least the same reasons as claims 15, 23 and 24.
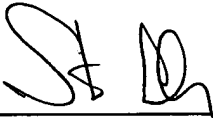
CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3155.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 20 day of March, 2006   By: #42,402

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